

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TRISTRATA TECHNOLOGY, INC.,

Plaintiff,

v.

BEAUTY UNDERNEATH, ELLEN LANGE  
SKIN SCIENCE, INC., JAN MARINI SKIN  
RESEARCH, INC., INTERNATIONAL SHIELD  
INC., COSMESEARCH, INC., SKINCEUTICALS,  
INC., DERMATOLOGIC COSMETIC  
LABORATORIES LTD., AND PERRI SKIN  
CARE,

Defendants.

C.A. No.: 04-1263-JJF

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED BY THE PARTIES, subject to the approval of the Court, that the Rule 16 Scheduling Order (D.I. 39) in this action be amended as follows:

- 1) All fact discovery must be commenced so as to be completed by October 7, 2005.
- 2) Reports from retained experts required by Fed. R. Civ. P 26(a)(2) are due from the plaintiff by October 26, 2005; from the defendants by November 18, 2005.
- 3) The parties agree that the Markman Hearing currently scheduled for October 4, 2005 should be taken off calendar and rescheduled. The Markman Hearing shall be held on November \_\_\_, 2005 at \_\_\_\_\_. Markman briefs shall be filed 14 days before the Hearing. Answering briefs shall be filed 7 days before the Hearing. **[Should the Court desire, the parties are available for a Scheduling Conference to address scheduling of the Markman Hearing.]**

4) All other dates in the Court's Rule 16 Scheduling Order (D.I. 39), and Order of February 7, 2005 (D.I. 41), including the date for case dispositive motions and the pretrial conference, shall remain unchanged.

CONNOLLY, BOVE, LODGE & HUTZ LLP POTTER ANDERSON & CORROON LLP

By: /s/ Arthur G. Connolly, III  
Arthur G. Connolly, III (#2667)  
The Nemours Building  
1007 N. Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
(302) 658-9141  
E-mail: AConnollyIII@cblh.com

Attorneys for Plaintiff  
TriStrata Technology, Inc.

RAWLE & HENDERSON LLP

By: /s/ Philip A. Rovner  
Philip A. Rovner (#3215)  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899-0951  
(302) 984-6000  
E-mail: provner@potteranderson.com

Attorneys for Defendant  
International Shield Inc.

RICHARDS, LAYTON & FINGER

By: /s/ Delia Ann Clark  
Delia Ann Clark (#3337)  
300 Delaware Avenue  
Suite 1015  
Wilmington, DE 19801  
(302) 778-1200  
E-mail: dclark@rawle.com

Attorneys for Defendant  
Ellen Lange Skin Science, Inc.

By: /s/ Frederick L. Cottrell  
Frederick L. Cottrell (#2555)  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899  
(302) 651-7509  
E-mail: cottrell@rlf.com

Attorneys for Defendant  
Dermatologic Cosmetic Laboratories Ltd.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
United States District Judge